

ORIGINAL

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FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

AUG 09 2002  
at 5 o'clock and 50 min M  
WALTER A. Y. H. CHINN, CLERK

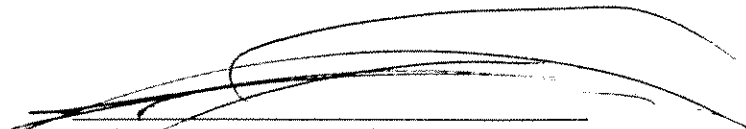
IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,	)	MAG. NO. 02-0650-BMK
	)	
Plaintiff,	)	CRIMINAL COMPLAINT
	)	AFFIDAVIT IN SUPPORT
vs.	)	OF CRIMINAL COMPLAINT
	)	
Paula TUAEFE	)	
aka: Paula TAILOA	)	
Defendant.	)	
_____	)	

CRIMINAL COMPLAINT

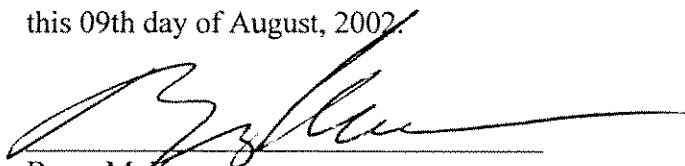
I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about August 7, 2002, in the District of Hawaii, the defendant did attempt to enter the United States after having been deported from the United States subsequent to a conviction for the commission of an aggravated felony, without first having obtained permission from the Attorney General to re-enter the United States, in violation of Title 8, United States Code, Section 1326(a) and 1326(b)(2).

I further state that I am a Senior Immigration Inspector, and that this complaint is based upon the facts set forth in the attached affidavit which is made a part hereof.



Andrew Lopez (Complainant)

Subscribed and sworn to before me  
this 09th day of August, 2002.



Barry M. Kurren  
UNITED STATES MAGISTRATE JUDGE

### **AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT**

I, Andrew Lopez, being first duly sworn, depose and say:

1. I am a Senior Immigration Inspector with the United States Immigration and Naturalization Service (INS), and have been employed by the Service for thirteen years. My current duties include conducting investigations into criminal violations of the Immigration and Nationality Act and other related statutes. I make this affidavit in support of a criminal complaint against Mr. Paula TUAEFE (aka: Paula TAILOA).

2. On August 07, 2002, an alien matching the identity of TUAEFE arrived in Honolulu, Hawaii, on board Polynesian Airlines flight number 362 from Apia, Western Samoa. All passengers on PH362 were transported to the International Arrival Building to complete inspection with the U.S. Immigration and Naturalization Service and the U.S. Customs Service.

3. The alien presented a genuine and unaltered Kingdom of Tonga passport number P025395 for inspection. The photograph in the passport depicts the alien and identified its bearer as Paula TUAEFE, a citizen of Tonga born on February 24, 1980. The passport was issued in Nukualofa, Tonga, on June 17, 2002 and valid until June 17, 2007.

4. The alien also presented a genuine and unaltered U.S. Immigration & Naturalization Alien Resident Card, (Form I-551), number A37 268 060. This document identified its bearer as PAULA TUAEFE, a permanent resident of the United States born on February 24, 1980.

5. In response to the primary Immigration Inspector's question about the purpose for entering the United States, TUAEFE stated he was a returning resident and was coming to see family and friends in the United States. Based upon his name and date of birth, TUAEFE was matched with a lookout record which identified him as having been ordered removed from the United States as an aggravated felon.

6. TUAEFE was referred to secondary inspection for further processing. A sworn statement was initiated. After having read his rights under the Miranda decision, TUAEFE elected to not continue with this sworn statement without the presence of an attorney. TUAEFE was not questioned further.

7. According to information provided by Polynesian Airlines, TUAEFE was a passenger on board Polynesian Airlines (PH) flight number 362 and was assigned to seat number 15A. PH362 is a scheduled flight which arrives in the United States at Honolulu International Airport from Apia, Western Samoa.

8. On August 8, 2002, an INS officer at the Law Enforcement Support Center (LESC) located in Williston, Vermont, was contacted for assistance in reviewing the contents of INS file number A37 268 060. INS file number A37 268 060 was located at the LESC. Copies of documents from INS file number A37 268 060 were faxed to the INS airport office in Honolulu,

Hawaii. One of these documents showed that TUAEFE had been ordered removed from the United States by order of an Immigration Judge on June 25, 1999.


9 A second document from INS file number A37 268 060, (which included a photograph and fingerprint of TUAEFE's right index finger), indicated that TUAEFE had been removed from the United States at Honolulu, Hawaii on November 28, 1999 on Air New Zealand Airlines flight number 59. The INS officer at the LESC also reported that INS file number A37 268 060 did not contain any documents to indicate that TUAEFE had applied for or received permission from the Attorney General of the United States to apply for admission to the U.S.

10. A third document from INS file number A37 268 060 indicated that TUAEFE was convicted in the Circuit Court of the First Circuit, State of Hawaii, at Honolulu, Hawaii for the offense of Robbery in the Second Degree in violation of Section 708-841(1)(a) of the Hawaii Revised Statutes on February 24, 1998. TUAEFE received a five year sentence to imprisonment.

11. A fourth document indicated that TUAEFE was personally served with Form I-294, Warning to Alien Ordered Removed or Deported. Contained on the form is a notice stating that TUAEFE was prohibited from entering, attempting to enter, or being in the United States at any time from the date of his departure from the United States. In addition, this form contained a warning stating that under title 8 United States Code, Section 1326, it is a crime for an alien who has been removed from the United States to enter, attempt to enter, or be found in the United States without the Attorney General's express consent.

12. On August 08, 2002, I compared the photograph contained in INS file A37 268 060 with a photograph of TUAEFE taken at the time of his application for entry into the United States. The photograph depicts TUAEFE.

13. Affiant further sayeth naught.



Andrew Lopez  
Senior Immigration Inspector  
U.S. Immigration and Nat. Svc.

Subscribed and sworn to before  
me this 08th day of August 2002.



Barry M. Kurren  
UNITED STATES MAGISTRATE JUDGE